

Petitioner: **E M Broadcasting Company, Inc.**
Elvis Moody, President
101 Christian Lane
Bentonville, Arkansas 72712

Proposal: Allot Channel 245A at Jasper, Arkansas, as that community's first local aural transmission service.¹

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Jasper, Arkansas	-----	245A

Coordinates: 36-00-29 NL and 93-1 1-11 WL

Additional Information: The allotment is at city reference coordinates and **requires** no site restriction.

In compliance with § 1.52 of the Commission's rules, petitioner is requested to include with its comments verification that the statements contained in the petition are accurate to the **best** of its knowledge?

FCC Contact: Rolanda F. Smith (202)418-2180

B. MB Docket No. 02-331: RM-10589

Petitioner: Larry Jackson
7107 Bur Oak Ct. Apt. 1
Louisville, KY 40291

Proposal: Allot Channel 288C2 at Milford, Utah, as that community's first local aural transmission service.³

<u>Community</u>	<u>Present</u>	<u>Prowsed</u>
Milford, Utah	--_-----	288C2

Coordinates: 38-23-49 NL and 113-00-36 WL

Additional Information: This allotment is at city reference coordinates and requires no site restriction.

¹ Jasper is an incorporated community with a 2000 U.S. Census population of **498** persons. Jasper is the county seat of Newton County, Arkansas and serves as the center of local government.

² Although the petitioner's request was signed, it failed to include an affidavit verifying that the statements contained in the petition were accurate to the best of its knowledge. Section 1.52 of the Commission's Rules require that the original of any document filed with the Commission by a party not represented by counsel be signed and verified by the party and his/her address stated. In the absence of such verification, the petition may be dismissed. Section 1.401(b) of the Commission's Rules concerning rule making proceedings places petitioners on notice that their proposal must conform with the requirements of Section 1.52 regarding subscription and verification. See also Amendment of Sections 1.420 and 73.3584 of the Commission's Rules Concerning Abuses of the Commission's Processes, 5 FCC Rcd 3911, 3919, n.41 (1990). The petitioner is requested to rectify this omission in its comments.

³ Milford is an incorporated community with a 2000 U.S. Census population of **1,451** persons. Milford is in Beaver County east of the Wah Wah Mountains. Milford has an airport, hospital, school system, and public library. Milford also has a city council with an elected mayor.

In compliance with § 1.52 of the Commission's rules, petitioner is requested to include with his comments verification that the statements contained in the petition are accurate to the best of his knowledge.⁴

FCC Contact: Rolanda F. Smith (202)418-2180.

3. Comments, reply comments, counterproposals and other pleadings **filed** in response to *this* multiple docket Notice ~~of~~ **Proposed Rule Making** should reference *only* the specific docket to which the **filing** pertains. The Commission's authority to institute rule making proceedings, showings **required**, cut-off procedures, and filing requirements **are** contained in the attached Appendix and **are** incorporated **by** reference herein. In particular, we note that a showing of continuing interest is required in paragraph 2 of the Appendix before a channel will **be** allotted.

4. Pursuant to Sections 1.415 and **1.419** of the Commission's Rules, interested parties may file comments on or before **December 16, 2002**, and reply comments on or before **December 31, 2002**, and are advised to read the Appendix for the proper procedures. Comments should **be** filed with the Federal Communications Commission, Office of the Secretary, **445** Twelfth Street, SW, TW-A325, Washington, D.C. 20554. Additionally, a copy of such comments should be served on the petitioner, as listed above for each docket.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to a rule making proceeding to amend the FM Table of Allotments, Section 73.202(b) of the Commission's Rules.'

6. For further information concerning a proceeding listed above, contact the FCC contact listed for that proceeding. For purposes of this restricted notice and comment rule making proceeding, members **of** the public are advised that no **ex parte** presentations are permitted **from** the time the Commission adopts a Notice of Proposed Rule Making until the proceeding has been decided and such decision in the applicable docket is no longer subject to reconsideration by the Commission or review by any court. An **ex parte** presentation is not prohibited if specifically requested by the Commission **or** **staff** for the clarification or adduction of evidence or resolution of issues in the proceeding. However, any **new** written information elicited from such a request or any summary of any new **information** shall be served **by** the person making the presentation upon the other parties to the proceeding in particular docket unless the Commission specifically waives this service requirement. Any comment which has not **been** served on the petitioner constitutes an **ex parte** presentation and shall not be considered in the proceeding. **Any** reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes **an ex parte** presentation and shall not be considered in the proceeding.

7. Parties who choose to file by paper must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistronix, Inc., will receive handdelivered or messengerdelivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, **N.E.** Suite 110, Washington, D.C. 20002. The filing **hours** at this location **are 8:00 a.m. to 7:00 p.m.** All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail or Priority Mail) must **be** sent to

⁴ See n.2, *supra*.

⁵ See *Certification that Section 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*. 46 FR 11549 (February 9, 1981).

9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau

Attachment: Appendix

APPENDIX

1. Pursuant to authority found in Sections 4(i), 5(c)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Allotments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. Showings Required. Comments are invited on the proposal(s) discussed in the Notice of *Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions **are** presented in initial comments. The proponent of a **proposed** allotment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is allotted and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. Cut-off protection. The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (*See* Section 1.420(d) of the Commission's Rules).

(b) With respect to petitions for rule making which conflict with the proposals in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they **are** filed before the date for filing initial comments herein. If they **are** filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to allot a different channel than was requested for any of the communities involved.

4. Comments and Reply Comments: Service. Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or by persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (*See* Section 1.420(a), (b) and (c) of the Commission's Rules.) Comments should be filed with the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., TW-A325, Washington, D.C. 20554.

5. Number of Copies. In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. Public Inspection of Filings. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Reference Information Center (Room CY-A257) at its headquarters, 445 12th Street, S.W., Washington, D.C.